

PRELIMINARY DRAFT No. 3448

PREPARED BY LEGISLATIVE SERVICES AGENCY 2012 GENERAL ASSEMBLY

DIGEST

Citations Affected: Numerous citations throughout the Indiana Code.

Synopsis: State civil service system. Makes required technical corrections and conforming amendments following the enactment of SECTION 56 of House Enrolled Act 1001-2011 (P.L.229-2011) concerning the state civil service system. Repeals obsolete provisions.

Effective: July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1	SECTION 1. IC 4-4-9.7-5, AS ADDED BY P.L.83-2005, SECTION
2	5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3	2012]: Sec. 5. (a) The secretary shall appoint an individual to be the
4	director of the office.
5	(b) The director:
6	(1) serves at the secretary's pleasure;
7	(2) is entitled to receive compensation in an amount set by the
8	secretary subject to the approval of the budget agency under
9	IC 4-12-1-13; and
10	(3) is responsible to the secretary.
11	(c) The director is the chief executive and administrative officer of
12	the office.
13	(d) The director may appoint employees in the manner provided by
14	IC 4-15-2 IC 4-15-2.2 and fix their compensation, subject to the
15	approval of the budget agency under IC 4-12-1-13.
16	(e) The director may delegate the director's authority to the
17	appropriate office staff.
18	SECTION 2. IC 4-15-10-4, AS AMENDED BY P.L.222-2005,
19	SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20	JULY 1, 2012]: Sec. 4. (a) Any employee may report in writing the
21	existence of:
22	(1) a violation of a federal law or regulation;
23	(2) a violation of a state law or rule;
24	(3) a violation of an ordinance of a political subdivision (as
25	defined in IC 36-1-2-13); or
26	(4) the misuse of public resources;
27	to a supervisor or to the inspector general.
28	(b) For having made a report under subsection (a), the employee
29	making the report may not:
30	(1) be dismissed from employment;
31	(2) have salary increases or employment related benefits



1	withheld;
2	(3) be transferred or reassigned;
3	(4) be denied a promotion the employee otherwise would have
4	received; or
5	(5) be demoted.
6	(c) Notwithstanding subsections (a) and (b), an employee must
7	make a reasonable attempt to ascertain the correctness of any
8	information to be furnished and may be subject to disciplinary actions
9	for knowingly furnishing false information, including suspension or
10	dismissal, as determined by the employee's appointing authority, the
11	appointing authority's designee, or the ethics commission. However,
12	any state employee disciplined under this subsection is entitled to
13	process an appeal of the disciplinary action under the procedure as set
14	forth in IC 4-15-2-34 through IC 4-15-2-35.5. IC 4-15-2.2-42.
15	(d) An employer who knowingly or intentionally violates this
16	section commits a Class A misdemeanor.
17	SECTION 3. IC 4-15-12-3 IS AMENDED TO READ AS
18	FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. There is created
19	within the state personnel department the Indiana affirmative action
20	office. The director of the department shall:
21	(1) appoint an affirmative action officer who shall direct the
22	office; and
23	(2) employ the additional personnel necessary to carry out the
24	functions of the office, which personnel are governed by
25	IC 4-15-2. IC 4-15-2.2.
26	SECTION 4. IC 4-15-16-2 IS REPEALED [EFFECTIVE JULY 1,
27	2012]. Sec. 2. This chapter does not apply to an inmate placed in the
28	unclassified service under IC 4-15-2-7.
29	SECTION 5. IC 4-21.5-2-5, AS AMENDED BY P.L.1-2007,
30	SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31	JULY 1, 2012]: Sec. 5. This article does not apply to the following
32	agency actions:
33	(1) The issuance of a warrant or jeopardy warrant for the
34	collection of taxes.
35	(2) A determination of probable cause or no probable cause by the
36	civil rights commission.
37	(3) A determination in a factfinding conference of the civil rights
38	commission.
39	(4) A personnel action, except review of:
40	(A) a personnel action by the state employees appeals
41	commission under IC 4-15-2 IC 4-15-2.2-42 ; or
42	(B) a personnel action that is not covered by $\frac{1C}{4-15-2}$
43	IC 4-15-2.2 but may be taken only for cause.
44	(5) A resolution, directive, or other action of any agency that
45	relates solely to the internal policy, organization, or procedure of

that agency or another agency and is not a licensing or



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enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

- (6) An agency action related to an offender within the jurisdiction of the department of correction.
 - (7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.
 - (8) A decision to issue or not issue a complaint, summons, or similar accusation.
 - (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
 - (10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.
 - (11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.
 - (12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1) or IC 22-4-41.
 - (13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.
 - (14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.
 - (15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.
 - (16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.
 - (17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.
- SECTION 6. IC 4-21.5-3-7, AS AMENDED BY P.L.217-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) To qualify for review of a personnel action to which IC 4-15-2 IC 4-15-2.2 applies, a person must comply with IC 4-15-2-35 or IC 4-15-2-35.5. IC 4-15-2.2-42. To qualify for review

1	of any other order described in section 4, 5, or 6 of this chapter, a
2	person must petition for review in a writing that does the following:
3	(1) States facts demonstrating that:
4	(A) the petitioner is a person to whom the order is specifically
5	directed;
6	(B) the petitioner is aggrieved or adversely affected by the
7	order; or
8	(C) the petitioner is entitled to review under any law.
9	(2) Includes, with respect to determinations of notice of program
10	reimbursement and audit findings described in section 6(a)(3) and
11	6(a)(4) of this chapter, a statement of issues that includes:
12	(A) the specific findings, action, or determination of the office
13	of Medicaid policy and planning or of a contractor of the
14	office of Medicaid policy and planning from which the
15	provider is appealing;
16	(B) the reason the provider believes that the finding, action, or
17	determination of the office of Medicaid policy and planning or
18	of a contractor of the office of Medicaid policy and planning
19	was in error; and
20	(C) with respect to each finding, action, or determination of
21	the office of Medicaid policy and planning or of a contractor
22	of the office of Medicaid policy and planning, the statutes or
23	rules that support the provider's contentions of error.
24	Not more than thirty (30) days after filing a petition for review
25	under this section, and upon a finding of good cause by the
26	administrative law judge, a person may amend the statement of
27	issues contained in a petition for review to add one (1) or more
28	additional issues.
29	(3) Is filed:
30	(A) with respect to an order described in section 4, 5, $6(a)(1)$,
31	6(a)(2), or 6(a)(5) of this chapter, with the ultimate authority
32	for the agency issuing the order within fifteen (15) days after
33	the person is given notice of the order or any longer period set
34	by statute; or
35	(B) with respect to a determination described in section $6(a)(3)$
36	or 6(a)(4) of this chapter, with the office of Medicaid policy
37	and planning not more than one hundred eighty (180) days
38	after the hospital is provided notice of the determination.
39	The issuance of an amended notice of program reimbursement by
40	the office of Medicaid policy and planning does not extend the
41	time within which a hospital must file a petition for review from
42	the original notice of program reimbursement under clause (B),
43	except for matters that are the subject of the amended notice of
44	program reimbursement.
45	If the petition for review is denied, the petition shall be treated as a

petition for intervention in any review initiated under subsection (d).



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1	(b) If an agency denies a petition for review under subsection (a)
2	and the petitioner is not allowed to intervene as a party in a proceeding
3	resulting from the grant of the petition for review of another person, the
4	agency shall serve a written notice on the petitioner that includes the
5	following:
6	(1) A statement that the petition for review is denied.
7	(2) A brief explanation of the available procedures and the time
8	limit for seeking administrative review of the denial under
9	subsection (c).
10	(c) An agency shall assign an administrative law judge to conduct
11	a preliminary hearing on the issue of whether a person is qualified
12	under subsection (a) to obtain review of an order when a person
13	requests reconsideration of the denial of review in a writing that:
14	(1) states facts demonstrating that the person filed a petition for
15	review of an order described in section 4, 5, or 6 of this chapter;
16	(2) states facts demonstrating that the person was denied review
17	without an evidentiary hearing; and
18	(3) is filed with the ultimate authority for the agency denying the
19	review within fifteen (15) days after the notice required by
20	subsection (b) was served on the petitioner.
21	Notice of the preliminary hearing shall be given to the parties, each
22	person who has a pending petition for intervention in the proceeding,
23	and any other person described by section 5(d) of this chapter. The
24	resulting order must be served on the persons to whom notice of the
25	preliminary hearing must be given and include a statement of the facts
26	and law on which it is based.
27	(d) If a petition for review is granted, the petitioner becomes a party
28	to the proceeding and the agency shall assign the matter to an
29	administrative law judge or certify the matter to another agency for the
30	assignment of an administrative law judge (if a statute transfers
31	responsibility for a hearing on the matter to another agency). The
32	agency granting the administrative review or the agency to which the
33	matter is transferred may conduct informal proceedings to settle the
34	matter to the extent allowed by law.
35	SECTION 7. IC 4-31-3-9, AS AMENDED BY P.L.182-2009(ss),
36	SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37	JULY 1, 2012]: Sec. 9. Subject to section 14 of this chapter, the
38	commission may:
39	(1) adopt rules under IC 4-22-2, including emergency rules under

- $(1)\,adopt\,rules\,under\,IC\,4-22-2, including\,emergency\,rules\,under\,$ IC 4-22-2-37.1, to implement this article, including rules that prescribe:
 - (A) the forms of wagering that are permitted;
 - (B) the number of races;
 - (C) the procedures for wagering;
- (D) the wagering information to be provided to the public;
- (E) fees for the issuance and renewal of:



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1 (i) permits under IC 4-31-5; 2 (ii) satellite facility licenses under IC 4-31-5.5; and 3 (iii) licenses for racetrack personnel and racing participants 4 under IC 4-31-6; 5 (F) investigative fees; 6 (G) fines and penalties; and 7 (H) any other regulation that the commission determines is in 8 the public interest in the conduct of recognized meetings and 9 wagering on horse racing in Indiana; 10 (2) appoint employees in the manner provided by IC 4-15-2 and 11 fix their compensation, subject to the approval of the budget 12 agency under IC 4-12-1-13; 13 (3) enter into contracts necessary to implement this article; and 14 (4) receive and consider recommendations from an advisory 15 development committee established under IC 4-31-11. SECTION 8. IC 4-37-5-3, AS ADDED BY P.L.167-2011, 16 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 18 JULY 1, 2012]: Sec. 3. The board may develop a separate personnel 19 system for employees of the corporation. The system may establish the 20 rights, privileges, powers, and duties of the corporation employees, 21 including pay scale and benefit package. If the board does not develop 22 and adopt a personnel system, the employees of the corporation are 23 subject to the state personnel system under IC 4-15-1.8. IC 4-15-2.2. 24 If the board does adopt a separate personnel system, the rules should 25 mirror the state personnel rules as closely as possible. 26 SECTION 9. IC 5-10-8.5-4, AS ADDED BY P.L.44-2007, 27 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE 28 JULY 1, 2012]: Sec. 4. As used in this chapter, "department" refers to 29 the state personnel department established under IC 4-15-1.8-2. 30 IC 4-15-2.2. SECTION 10. IC 9-16-4-1, AS AMENDED BY P.L.221-2005, 31 SECTION 143, IS AMENDED TO READ AS FOLLOWS 32 33

SECTION 10. IC 9-16-4-1, AS AMENDED BY P.L.221-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The commission may develop a separate personnel system for employees of the commission who are assigned to be managers and employees of commission license branches. The system may establish the rights, privileges, powers, and duties of these employees, including a license branch pay scale and benefit package. If the commission does not develop and adopt a license branch personnel system, those employees are subject to the state personnel system under IC 4-15-1.8, IC 4-15-2.2, except as provided in IC 9-16-1-7.

SECTION 11. IC 10-19-3-4, AS ADDED BY P.L.22-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. The executive director may appoint employees in the manner provided by IC 4-15-2 **IC 4-15-2.2** and fix their compensation, subject to the approval of the budget agency under



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1	IC 4-12-1-13.
2	SECTION 12. IC 10-20-2-3, AS ADDED BY P.L.158-2011,
3	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4	JULY 1, 2012]: Sec. 3. The director may appoint employees in the
5	manner provided by IC 4-15-2 IC 4-15-2.2 and fix their compensation,
6	subject to the approval of the budget agency under IC 4-12-1-13.
7	SECTION 13. IC 11-8-2-5, AS AMENDED BY P.L.77-2009,
8	SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9	JULY 1, 2012]: Sec. 5. (a) The commissioner shall do the following:
10	(1) Organize the department and employ personnel necessary to
11	discharge the duties and powers of the department.
12	(2) Administer and supervise the department, including all state
13	owned or operated correctional facilities.
14	(3) Except for employees of the parole board, be the appointing
15	authority for all positions in the department. within the scope of
16	IC 4-15-2 and define the duties of those positions in accord with
17	IC 4-15-2.
18	(4) Define the duties of a deputy commissioner and a
19	superintendent.
20	(5) Accept committed persons for study, evaluation,
21	classification, custody, care, training, and reintegration.
22	(6) Determine the capacity of all state owned or operated
23	correctional facilities and programs and keep all Indiana courts
24	having criminal or juvenile jurisdiction informed, on a quarterly
25	basis, of the populations of those facilities and programs.
26	(7) Utilize state owned or operated correctional facilities and
27	programs to accomplish the purposes of the department and
28	acquire or establish, according to law, additional facilities and
29	programs whenever necessary to accomplish those purposes.
30	(8) Develop policies, programs, and services for committed
31	persons, for administration of facilities, and for conduct of
32	employees of the department.
33	(9) Administer, according to law, the money or other property of
34	the department and the money or other property retained by the
35	department for committed persons.
36	(10) Keep an accurate and complete record of all department
37	proceedings, which includes the responsibility for the custody and
38	preservation of all papers and documents of the department.
39	(11) Make an annual report to the governor according to
40	subsection (c).
41	(12) Develop, collect, and maintain information concerning
42	offenders, sentencing practices, and correctional treatment as the
43	commissioner considers useful in penological research or in
44	developing programs.
45	(13) Cooperate with and encourage public and private agencies

and other persons in the development and improvement of



1	correctional facilities, programs, and services.
2	(14) Explain correctional programs and services to the public.
3	(15) As required under 42 U.S.C. 15483, after January 1, 2006,
4	provide information to the election division to coordinate the
5	computerized list of voters maintained under IC 3-7-26.3 with
6	department records concerning individuals disfranchised under
7	IC 3-7-46.
8	(b) The commissioner may:
9	(1) when authorized by law, adopt departmental rules under
10	IC 4-22-2;
11	(2) delegate powers and duties conferred on the commissioner by
12	law to a deputy commissioner or commissioners and other
13	employees of the department;
14	(3) issue warrants for the return of escaped committed persons (an
15	employee of the department or any person authorized to execute
16	warrants may execute a warrant issued for the return of an
17	escaped person);
18	(4) appoint personnel to be sworn in as correctional police
19	officers; and
20	(5) exercise any other power reasonably necessary in discharging
21	the commissioner's duties and powers.
22	(c) The annual report of the department shall be transmitted to the
23	governor by September 1 of each year and must contain:
24	(1) a description of the operation of the department for the fiscal
25	year ending June 30;
26	(2) a description of the facilities and programs of the department;
27	(3) an evaluation of the adequacy and effectiveness of those
28	facilities and programs considering the number and needs of
29	committed persons or other persons receiving services; and
30	(4) any other information required by law.
31	Recommendations for alteration, expansion, or discontinuance of
32	facilities or programs, for funding, or for statutory changes may be
33	included in the annual report.
34	SECTION 14. IC 12-9-3-1 IS REPEALED [EFFECTIVE JULY 1,
35	2012]. Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies
36	to all employees of the division.
37	SECTION 15. IC 12-9.1-3-1 IS REPEALED [EFFECTIVE JULY
38	1,2012]. Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies
39	to all employees of the division.
40	SECTION 16. IC 12-12-1-6 IS AMENDED TO READ AS
41	FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The bureau shall,
42	upon request of an applicant for state civil service (as defined in
43	IC 4-15-2-3.8), IC 4-15-2.2-10), determine whether the applicant is an
44	individual with a disability (as defined in IC 4-15-2-19.5) who is

eligible to be eertified appointed under IC 4-15-2-19.5(b).



IC 4-15-2.2-33.

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SECTION 17. IC 12-13-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of the division.

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 SECTION 18. IC 12-21-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of the division.

SECTION 19. IC 12-24-3-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of a state institution.

SECTION 20. IC 13-13-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Employees of Department).

SECTION 21. IC 15-11-3-3, AS ADDED BY P.L.2-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The director may appoint employees in the manner provided by IC 4-15-2 and fix their compensation, subject to the approval of the budget agency under IC 4-12-1-13.

SECTION 22. IC 16-41-11-8, AS AMENDED BY P.L.222-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) A person who believes that this chapter or rules adopted under this chapter have been violated may file a complaint with the state department. A complaint must be in writing unless the violation complained of constitutes an emergency. The state department shall reduce an oral complaint to writing. The state department shall maintain the confidentiality of the person who files the complaint.

- (b) The state department shall promptly investigate all complaints received under this section.
- (c) The state department shall not disclose the name or identifying characteristics of the person who files a complaint under this section unless:
 - (1) the person consents in writing to the disclosure; or
 - (2) the investigation results in an administrative or judicial proceeding and disclosure is ordered by the administrative law judge or the court.
- (d) The state department shall give a person who files a complaint under this section the opportunity to withdraw the complaint before disclosure.
- (e) An employee must make a reasonable attempt to ascertain the correctness of any information to be furnished and may be subject to disciplinary actions for knowingly furnishing false information, including suspension or dismissal, as determined by the employer or the ethics commission. However, an employee disciplined under this subsection is entitled to process an appeal of the disciplinary action under any procedure otherwise available to the employee by employment contract, collective bargaining agreement, or, if the employee is an employee of the state, a rule as set forth in IC 4-15-2-34



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1	through IC 4-15-2-35.5. IC 4-15-2.2-42.
2	(f) The employer of an employee who files a complaint in good faith
3	with the state department under this section may not, solely in
4	retaliation for filing the complaint, do any of the following:
5	(1) Dismiss the employee.
6	(2) Withhold salary increases or employment related benefits
7	from the employee.
8	(3) Transfer or reassign the employee.
9	(4) Deny a promotion that the employee would have received.
10	(5) Demote the employee.
11	SECTION 23. IC 16-41-32-14 IS AMENDED TO READ AS
12	FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 14. (a) The state
13	department shall administer this chapter. The state department may:
14	(1) adopt rules under IC 4-22-2 to administer this chapter;
15	(2) employ persons as necessary under IC 4-15-2; IC 4-15-2.2;
16	(3) make expenditures;
17	(4) require reports and records;
18	(5) make investigations; and
19	(6) take other action;
20	as the state department considers necessary or suitable for the proper
21	administration of this chapter.
22	(b) The state department may authorize persons to do any act that
23	may be done by the state department.
24	SECTION 24. IC 20-21-4-1, AS ADDED BY P.L.1-2005,
25	SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26	JULY 1, 2012]: Sec. 1. Except as provided in this chapter, IC 4-15-1.8
27	and IC 4-15-2 apply IC 4-15-2.2 applies to the employees of the
28	school.
29	SECTION 25. IC 20-22-4-1, AS ADDED BY P.L.1-2005,
30	SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31	JULY 1, 2012]: Sec. 1. Except as provided in this chapter, IC 4-15-1.8
32	and IC 4-15-2 apply IC 4-15-2.2 applies to the employees of the
33	school.
34	SECTION 26. IC 22-1-1-8 IS AMENDED TO READ AS
35	FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. The commissioner
36	of labor may do the following:
37	(1) Make or cause to be made all necessary inspections to see that
38	all of the laws and rules enacted or adopted for that purpose and
39	that the department is required to enforce are promptly and
40	effectively administered and executed.
41	(2) Collect, collate, and publish statistical and other information
42	relating to working conditions in this state and to the enforcement

of this chapter and such rules as may be necessary to the advancement of the purposes of this chapter, but no publicity of

any information involving the name or identity of any employer,

employee, or other person, firm, limited liability company, or



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corporation shall be given. It shall be unlawful for the commissioner or any person to divulge, or to make known in any way not provided by law, to any person the operation, style of work, or apparatus of any employer, or the amount or sources of income, profits, losses, expenditures, or any part thereof obtained by him in the discharge of his official duties.

- (3) Except as otherwise provided by law, employ, promote, and remove clerks, inspectors, and other employees as needed or as the service of the department of labor may require, and with the approval of the governor, within the appropriation therefor, fix their compensation and to assign to them their duties. Employees of the department are covered by IC 4-15-2.
- (4) Promote the voluntary arbitration, mediation, and conciliation of disputes between employers and employees, for the purpose of avoiding strikes, lockouts, boycotts, blacklists, discrimination, and legal proceedings in matters of employment. The commissioner may appoint temporary boards of arbitration, provide for the payment of the necessary expenses of the boards, order reasonable compensation paid to each member engaged in arbitration, prescribe and adopt rules of procedure for arbitration boards, conduct investigations and hearings, publish reports and advertisements, and do all other things convenient and necessary to accomplish the purpose of this chapter. The commissioner may designate an employee of the department to act as chief mediator and may detail other employees, from time to time, to act as his the commissioner's assistants for the purpose of executing this chapter. Any employee of the department who may act on a temporary board shall serve without extra compensation.

SECTION 27. IC 22-8-1.1-42, AS AMENDED BY P.L.32-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 42. The director and staff of INSafe shall be selected and appointed by the commissioner under the provisions of IC 4-15-2. IC 4-15-2.2.

SECTION 28. IC 22-10-1.5-7, AS AMENDED BY P.L.35-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The director shall employ, subject to

(1) IC 4-15-2; and

 $\frac{(2)}{(2)}$ appropriation by the general assembly for the position of chief mine inspector,

a chief mine inspector who has an Indiana mine examiner certificate and at least three (3) years underground mining experience.

- (b) The chief mining inspector is entitled to receive an annual salary to be fixed by the commissioner of labor with the approval of the governor.
- (c) The director may, subject to IC 4-15-2, IC 4-15-2.2, employ other mine inspectors and clerical employees.



(d) The director may:

- (1) contract with any person to provide training for mine employees;
- (2) provide mine rescue training for mine employees; and
- (3) furnish mine rescue equipment at the site of mine accidents.
- (e) The director shall:
 - (1) collect and index all active and inactive underground mine maps; and
 - (2) supervise and direct the state mine inspectors.

SECTION 29. IC 25-1-5-5, AS AMENDED BY P.L.206-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

- (b) The executive director must be qualified by experience and training.
- (c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the agency or the executive director's designee.
- (d) The executive director is the chief fiscal officer of the agency and is responsible for hiring of all staff, and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint not to exceed more than three (3) deputy directors, who must be qualified to work for the boards which are served by the agency.
- (e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the agency. The costs of any such bonds shall be paid from funds available to the agency.
- (f) The executive director may present to the general assembly legislative recommendations regarding operations of the agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.
- (g) The executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of a board or committee when requested to do so by the board or committee.
- (h) The executive director or the executive director's designee may, upon request of a board or committee, provide advice and technical



assistance on issues that may be presented to the boards or committees. SECTION 30. IC 25-1-6-5, AS AMENDED BY P.L.194-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The licensing agency shall be administered by an executive director appointed by the governor who shall serve at the will and pleasure of the governor.

- (b) The executive director must be qualified by experience and training.
- (c) The term "executive director" or "secretary", or any other statutory term for the administrative officer of a board listed in section 3 of this chapter, means the executive director of the licensing agency or the executive director's designee.
- (d) The executive director is the chief fiscal officer of the licensing agency and is responsible for hiring of all staff and for procurement of all services and supplies in accordance with IC 5-22. The executive director and the employees of the licensing agency are subject to IC 4-15-1.8 but are not under IC 4-15-2. The executive director may appoint no more than three (3) deputy directors, who must be qualified to work for the boards which are served by the licensing agency.
- (e) The executive director shall execute a bond payable to the state, with surety to consist of a surety or guaranty corporation qualified to do business in Indiana, in an amount fixed by the state board of accounts, conditioned upon the faithful performance of duties and the accounting for all money and property that come into the executive director's hands or under the executive director's control. The executive director may likewise cause any employee of the licensing agency to execute a bond if that employee receives, disburses, or in any way handles funds or property of the licensing agency. The costs of any such bonds shall be paid from funds available to the licensing agency.
- (f) The executive director may present to the general assembly legislative recommendations regarding operations of the licensing agency and the boards it serves, including adoption of four (4) year license or certificate renewal cycles wherever feasible.
- (g) Upon the request of a board or commission, the executive director may execute orders, subpoenas, continuances, and other legal documents on behalf of the board or commission.
- (h) Upon the request of a board or commission, the executive director may provide advice and technical assistance on issues that may be presented to the board or commission.

SECTION 31. IC 28-11-1-1, AS AMENDED BY P.L.217-2007, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The department of financial institutions is established.

- (b) The department:
 - (1) is an independent agency in the executive branch of state government; and

1	(2) exercises essential public functions.
2	(c) The expenses of the department in administering the financial
3	institutions subject to the department's oversight are paid by financial
4	institutions through fees established by the department under
5	IC 28-11-3-5.
6	(d) Subject to subsection (e), the department's regulatory and
7	budgetary functions are not subject to oversight by the following:
8	(1) The office of management and budget (notwithstanding
9	IC 4-3-22-14).
10	(2) The budget agency (notwithstanding IC 4-12-1).
11	(3) The state personnel department (notwithstanding IC 4-15-1.8).
12	IC 4-15-2.2).
13	(4) The Indiana department of administration (notwithstanding
14	IC 4-13-1).
15	(5) The office of technology (notwithstanding IC 4-13.1).
16	(e) The department's funds, accounts, and financial affairs shall be
17	examined biennially by the state board of accounts under
18	IC 5-11-1-9(c).
19	SECTION 32. IC 31-25-2-2, AS ADDED BY P.L.145-2006,
20	SECTION 271, IS AMENDED TO READ AS FOLLOWS
21	[EFFECTIVE JULY 1, 2012]: Sec. 2. The director may employ
22	necessary personnel to carry out the department's responsibilities
23	subject to:
24	(1) the budget agency's approval under IC 4-12-1-13; and
25	(2) IC 4-15-2. IC 4-15-2.2.

